

ORIGINAL**In the United States Court of Federal Claims**

No. 17-996

(Filed: September 8, 2017)

FILED

SEP - 8 2017

U.S. COURT OF
FEDERAL CLAIMS

CARLY MARIE MORTON,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER OF DISMISSAL

On July 14, 2017, the Plaintiff, Carly Marie Morton, acting *pro se*, filed a Complaint claiming that she was a candidate for United States President in the 2016 election and did not receive any consideration from the electors as they “did not know [she] was a candidate to be considered for the position.” Compl. at ¶ 4. The Complaint maintains that she reported election fraud to law enforcement. The Complaint then states that since the President took office while her complaint with law enforcement was pending, she is entitled to the President’s compensation. *Id.* Plaintiff bases her claim on Article III Section 2 of the US Constitution and alleges that “[she] do[es] not have a job because of thieves.” *Id.*

Before reaching the merits of Plaintiff’s claim, this Court must first ascertain whether it has jurisdiction under the Tucker Act to consider it. “Not every claim invoking the Constitution, a federal statute, or a regulation is cognizable under the Tucker Act. The claim must be one for money damages against the United States” *United States v. Mitchell*, 463 U.S. 206, 216 (1983). Article III Section 2 to the US Constitution, which generally defines the judicial power of the United States, is not a money mandating source of rights providing a basis for jurisdiction in this Court under the Tucker Act. *See Canuto v. United States*, 651 F. App’x 996, 997 (Fed. Cir. 2016) (holding that Article III language is not a money mandating source of rights). Therefore, this complaint shall be **DISMISSED** *sua sponte* pursuant to RCFC 12(h)(3) and for lack of jurisdiction pursuant to RCFC 12(b)(1).

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.


EDWARD J. DAMICH
Senior Judge